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Attorneys for Plaintiff  
United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
VIN WHEALEN GAINES JR.,  
  
Defendant.

CASE NO. 2:20-CR-0208-JAM

STIPULATION REGARDING EXCLUDABLE  
TIME PERIODS UNDER SPEEDY TRIAL ACT;  
FINDINGS AND ORDER

DATE: November 16, 2021  
TIME: 9:30 a.m.  
COURT: Hon. John A. Mendez

**STIPULATION**

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on November 16, 2021.
2. By this stipulation, defendant now moves to continue the status conference until December 14, 2021, and to exclude time between November 16, 2021, and December 14, 2021, under 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4].
3. The parties agree and stipulate, and request that the Court find the following:
  - a) The government has represented that the discovery associated with this case includes approximately 654 pages of investigative reports and other documents, as well as

1 numerous video and audio recordings and other materials. All of this discovery has been  
2 produced directly to counsel and/ or made available to defense counsel for inspection.

3 b) The indictment in this case was returned on November 5, 2020.

4 c) In August 2021, this case was reassigned within the Office of the Federal  
5 Defender to Assistant Federal Defender Douglas Beevers. *See* Designation of Counsel, ECF No.  
6 45 (filed August 19, 2021).

7 d) Counsel for defendant needs additional time to review the discovery, conduct  
8 investigation, confer with his client regarding defense strategy, and to otherwise prepare for trial.  
9 Counsel for the defendant is currently in a multi-week trial in *United States v. Kembrud*, 2:19-  
10 CR-218-WBS.

11 e) Counsel for defendant believes that failure to grant the above-requested  
12 continuance would deny him the reasonable time necessary for effective preparation, taking into  
13 account the exercise of due diligence.

14 f) The government does not object to the continuance.

15 g) Based on the above-stated findings, the ends of justice served by continuing the  
16 case as requested outweigh the interest of the public and the defendant in a trial within the  
17 original date prescribed by the Speedy Trial Act.

18 h) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
19 et seq., within which trial must commence, the time period of November 16, 2021 to December  
20 14, 2021, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local  
21 Code T4] because it results from a continuance granted by the Court at defendant's request on  
22 the basis of the Court's finding that the ends of justice served by taking such action outweigh the  
23 best interest of the public and the defendant in a speedy trial.

24 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the  
25 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial  
26 must commence.

27 IT IS SO STIPULATED.  
28

1 Dated: November 11, 2021

PHILLIP A. TALBERT  
Acting United States Attorney

3  
4 /s/ DAVID W. SPENCER  
DAVID W. SPENCER  
Assistant United States Attorney

6 Dated: November 11, 2021

7 /s/ DOUGLAS J. BEEVERS  
DOUGLAS J. BEEVERS  
Counsel for Defendant  
VIN WHEALAN GAINES JR.

12 **FINDINGS AND ORDER**

13 IT IS SO FOUND AND ORDERED this 12<sup>th</sup> day of November, 2021.

15 /s/ John A. Mendez  
16 THE HONORABLE JOHN A. MENDEZ  
17 UNITED STATES DISTRICT COURT JUDGE